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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/783,939 | 02/15/2001 | Michael Zahm | Westphal.6081 | 2343 |

7590 08/25/2005
Patrick J O'Shea
O'Shea Getz & Kosakowski P C
1500 Main Street Suite 912
Springfield, MA 01115

EXAMINER

NATNAEL, PAULO S M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2614

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,939

Applicant(s)

ZAHM ET AL.

Examiner

Paulos M. Natnael

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,12 and 16 is/are rejected.
- 7) ☒ Claim(s) 3-11,13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-2,12,16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeney, II et al. U.S. Pat. No. 5,490,165.

Considering claim 1, Blakeney, II et al. (hereinafter, Blakeney) discloses a mobile device for a demodulation element assignment in a system capable of receiving multiple signals, comprising RF processing and digital conversion 424A-C, and interface port 426 which **selects** from the output signals 422 processing by the RF processing and digital conversion modules that, as is well known in the art, convert the High Frequency signal into Intermediate or lower frequency for processing or handling purposes, and multiple demodulation elements A-N, an fig.6;

Blakeney does not specifically show separate audio and video demodulators.

Blakeney however teaches multiple demodulators in a wideband CDMA system, focusing on voice/audio. The CDMA, well known in wireless or mobile services, is used to transmit both audio/voice and image/video signals such as in video telephone or video conferencing. Blakeney does not illustrate separately which demodulator

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demodulates the video signal and which ones demodulate the audio signals. As shown above the CDMA system is capable of processing both audio and video signals received through the RF antennas, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Blakeney by specifying the audio demodulator and video demodulators, in order for the system to be more precise and more reliable in processing audio and video signals separately.

Considering claim 2, the receiving device of claim 1, comprising:

- a) at least two receiving antennas that provide said high-frequency signals, is met by the RF antennas 422A-422C', fig. 6;
- b) a high-frequency switching device to switch said receiving antennas to said television channel selection devices is implied in the RF signal processing modules where it would be obvious to the skilled in the art to combine the processors into one or two and utilize a switch or tow in the input to received the antennae output RF signals and direct the same to the processors.

Considering claim 12, see rejection of claim 1; Except for the claimed signal strength detector within the demodulator which is clearly met by demodulator 404 that detects and outputs signal strength output 464, Fig.7.

Regarding claim 16, see rejection of claim 1; As to the claimed HF switching device, it is implied in the RF signal processing modules where it would be obvious to the skilled in

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the art to combine the processors into one or two and utilize a switch in the input to direct the input signals to the processors.

Response to Arguments

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claims 3-11 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 10:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a cursive 'M' and 'N'.

Paulos M. Natnael
Primary Examiner
Art Unit 2614

PMN
August 18, 2005